

REMARKS

The Office Action mailed March 1, 2004 has been received and carefully noted. The amendments made herein and the following remarks are submitted as a full and complete response thereto.

No extension of time is believed to be required based upon the filing of this Amendment prior to the deadline of the three-month statutory period (i.e., June 1, 2004). Authorization is granted to charge counsel's Deposit Account No. 01-2300, referencing Attorney Docket No. 101173-00012, for any additional fees necessary for entry of this Amendment.

The Abstract and Specification have been amended. Claims 5, 9-10 and 19-20 have been amended. Applicants submit that the amendments made herein are fully supported in the Specification and the drawings, as originally filed, and therefore no new matter has been introduced. It is noted that claims 21-23 have been withdrawn, without prejudice, from the application by a telephone call with Applicants' counsel on February 17, 2004. Accordingly, claims 1-20 are presently pending for review in the present application and are respectfully submitted for reconsideration.

The Abstract of the application stands objected to for informalities. The Abstract has been amended in response to the Examiner's objection and it is submitted that the Abstract, as amended, complies with 37 C.F.R. § 1.72(b). Reconsideration is requested.

The Specification stands objected to for informalities. The objections are respectfully traversed and reconsideration is requested.

Specifically, with respect to claiming priority for the present application, the Examiner's attention is directed to the "Nonprovisional Patent Application Transmittal" form filed on

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October 1, 2001 for the present invention, in which priority based on Japanese Patent Application Nos. 2000-362610 (filed November 29, 2000), 2000-384993 (filed December 19, 2000) and 2000-400919 (filed December 28, 2000) were claimed. Additionally in the Office Action, the Examiner makes mention of the requirement to amend the disclosure to include essential material incorporated by reference. However, it is not clear where in the present application the Examiner is specifically directing this comment. Thus it is requested that clarification from the Examiner regarding these objections be presented.

With respect to the layout of the Specification, the Examiner noted that the "Field of the Invention" subheading and the "Summary of the Invention" heading were omitted from the Specification. However, the "Field of the Invention" subheading appears in the Specification on page 1, line 6, and the "Summary of the Invention" heading appears on page 3, line 1.

Accordingly, it is requested that the Examiner further clarify these objections with respect to the Specification. It is, however, noted that the heading "Description of Related Art" was inadvertently omitted and has been added to the Specification. Furthermore, the Specification has been amended to correct typographical and grammatical errors therein. Entry of these amendments is respectfully requested and reconsideration is requested.

Claims 9-10 and 19-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Allsop et al. patent (U.S. Patent No. 5,970,472). Claims 9, 10, 19 and 20 have been amended. The rejections are respectfully traversed and reconsideration is requested.

Independent claim 9, as amended, recites a record medium housing a program for controlling a computer so that the computer refers to a commodity data base based on commodity specifying information transmitted from a user terminal to specify a necessary commodity and transmits commodity data of the necessary commodity through a network, the

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computer, having dealing shop data base of dealing shops carrying out inspection, repair and delivery of the commodity data, including address recorded so as to be retrieved, refers to a dealing shop data base having dealing shop data of dealing shops carrying out inspection, repair and delivery of the necessary commodity, including address recorded so as to be retrieved, based on destination information transmitted from the user terminal to extract at least a dealing shop in neighborhood of the destination and transmits dealing shop data of the dealing shop through the network; and the computer transmits an order sheet through the network. Independent claim 10, as amended, recites the record medium of independent claim 9, including that the computer specifies a necessary dealing shop from among the extracted dealing shops based on dealing shop specifying information transmitted from the user terminal and transmits dealing shop detailed data of the specified dealing shop through the network.

Independent claim 19, as amended, recites a record medium housing a program for controlling a computer so that the computer refers to a commodity data base based on commodity specifying information regarding a commodity to be dealt with as a gift transmitted from a user terminal to specify a necessary commodity and transmits commodity data of the necessary commodity through a network; the computer having dealing shop data of dealing shops carrying out inspection, repair and delivery of the commodity data, including address recorded so as to be retrieved, refers to the dealing shop data base based on consignee information regarding a consignee of the gift transmitted from the user terminal to extract at least a dealing shop in neighborhood of the consignee and transmits dealing shop data of the extracted dealing shop through the network; and the computer further transmits an order sheet through the network. Independent claim 20, as amended, recites the record medium of independent claim 19, including that the computer specifies a necessary dealing shop from among the extracted shops

based on dealing shop specifying information transmitted from the user terminal and transmits dealing shop detailed data of the necessary dealing shop through the network. It is submitted that the Allsop et al. patent fails to disclose or suggest the record mediums, as claimed in these independent claims.

Particularly, the Allsop et al. patent is directed to performing electronic commerce on the Internet by providing links from product manufacturers to authorized dealers where the authorized dealer provides a custom order interface for the manufacturer's products. With reference to Figs. 3 and 4, the Allsop et al. patent discloses a method of providing dealer authorization information to a remote processing system (20). A local processing system (22) receives information from a manufacturer (23) for updating a database of authorized dealers (26). The local processing system (22) then receives a validation request from the remote processing system (20) via a network. In response to receiving the validation request, the local processing system (22) queries the database (26) and transmits information to the remote processing system (22), including an indication of whether a particular dealer is an authorized dealer for one or more manufacturers. With reference to Figs. 5 and 8, the local processing system (22) may also include a number of order processing units (44-49) for electronic commerce. Each order processing unit (44-49) is customized for a specific manufacturer (1, 2) and a specific dealer (WLD 1-WLD N), and provides a customized user interface for ordering products only from the one specific manufacturer and dealer. A customer using a remote processing system (20) accesses an order processing unit by first accessing a manufacturer Web site (41; 42), which provides a hypertext link to one of the processing units (44-46; 47-49).

The Allsop et al. patent does not disclose or suggest a record medium comprising, in pertinent part, a computer having dealing shop data base of dealing shops carrying out

inspection, repair and delivery of commodity data including address recorded so as to be retrieved. Although the Allsop et al. patent does disclose a database (26), it is used to store a list of authorized dealers for each of one or more manufacturers. It does not disclose or suggest a dealing shop data base of dealing shops carrying out inspection, repair and delivery of commodity data including address recorded so as to be retrieved, as claimed. Accordingly, it is submitted that independent claims 9-10 and 19-20 are patentable based on the Allsop et al. patent not disclosing or suggesting the record medium, as claimed in the amended independent claims.

Claims 1-8 and 11-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Allsop et al. patent in view of the Rauhala patent (U.S. Patent No. 6,680,919). Claims 2, 4-5 and 7-8 are dependent on independent claims 1, 3 and 6. Claims 12, 14-15 and 17-18 are dependent on independent claims 11, 13 and 16. The rejections of these claims are respectfully traversed and reconsideration is requested.

Independent claim 1 recites an electronic commercial transaction system including a server and a plurality of user terminals capable of communicating with each other through a network. The server comprising a commodity data base having commodity data of various kinds of commodities recorded so as to be retrieved, a dealing shop data base having dealing shop data of dealing shops carrying out inspection, repair and delivery of the commodities including address recorded so as to be retrieved, commodity specifying means for referring to the commodity data base based on commodity specifying information transmitted from the user terminal to specify a necessary commodity, dealing shop extracting means for referring to the dealing shop data base based on destination information transmitted from the user terminal to extract at least a dealing shop in neighborhood of the destination and server side transmission means for transmitting commodity data of the commodity specified by the commodity specifying

means, dealing shop data of the dealing shop extracted by the dealing shop extracting means and an order sheet to the user terminal. The user terminal comprising display means for displaying the commodity data, the dealing shop data and the order sheet transmitted from the server side transmission means on a display surface and user terminal side transmission means for transmitting the commodity specifying information, the destination information and an order sheet input information to the server. Independent claim 3 is directed to a server and has similar claim content to that of independent claim 1. Independent claim 6 is directed to a user terminal, has similar claim content to that of independent claim 1 and comprises access means for obtaining access to the server including the commodity data base and the dealing shop data base.

Independent claim 11 recites an electronic commercial transaction system including a server and a plurality of user terminals capable of communicating with each other through a network. The server comprising a commodity data base having commodity data of various kinds of commodities recorded so as to be retrieved, a dealing shop data base having dealing shop data of dealing shops carrying out inspection, repair and delivery of the commodities including address recorded so as to be retrieved, commodity specifying means for referring to the commodity data base based on commodity specifying information regarding a commodity to be dealt with as a gift transmitted from the user terminal to specify a necessary commodity, dealing shop extracting means for referring to the dealing shop data base based on consignee information regarding a consignee of the gift transmitted from the user terminal to extract at least a dealing shop in neighborhood of the consignee and server side transmission means for transmitting commodity data of the commodity specified by the commodity specifying means, dealing shop data of the dealing shop extracted by the dealing shop extracting means and an order sheet to the user terminal. The user terminal comprising display means for displaying the commodity data,

the dealing shop data and the order sheet transmitted from the server side transmission means on a display surface; and user terminal side transmission means for transmitting the commodity specifying information, the consignee information and an order sheet input information to the server. Independent claim 13 is directed to a server and has similar claim content to that of independent claim 11. Independent claim 16 is directed to a user terminal, has similar claim content to that of independent claim 11 and comprises access means for obtaining access to the server including the commodity data base and the dealing shop data base.

It is submitted that the Allsop et al. patent and the Rauhala patent, alone or in alleged combination, do not disclose or suggest the electronic commercial transaction systems, servers or user terminals, as claimed in these independent claims. Indeed, as noted by the Examiner, the Allsop et al. patent "fails to disclose a dealing shop database having dealing shop data of dealing shops carrying out inspection and repair." Relying on the Rauhala patent as the secondary reference, the Examiner continues by stating that the Rauhala patent "discloses a dealing shop database having dealing shop data of dealing shops carrying out inspection and repair [col 4, lines 24-35]."

However, it is submitted that the Rauhala patent is directed to the downloading of maps and location specific configuration information to a GPS-capable mobile communication terminal (MCT), whether on demand or in an automatic fashion, including download of a map that is descriptive of an area in which the MCT is located, or is predicted to be located, and download of location-specific software that facilitates the operation of the MCT within an area in which the MCT is located, or is predicted to be located. (col. 1, l. 60 – col. 2, l. 6) It does not disclose or suggest an electronic commercial transaction system, server or user terminal comprising, in pertinent part, a dealing shop data base, as claimed. Particularly, the Rauhala

patent does not disclose or suggest a dealing shop data base having dealing shop data of dealing shops carrying out inspection, repair and delivery of the commodities including address recorded so as to be retrieved. Rather, it merely discloses that location specific configuration information downloaded to a GPS-capable MCT includes operating protocols, a Preferred Roaming List or a list of numbers of local dealers or repair centers for servicing the MCT in use. (col. 4, ls. 24-34) Indeed, this patent does not disclose or suggest any description concerning the source or contents of the list of local dealers or repair centers transmitted to the MCT. Based upon the above, it is submitted that neither the Allsop et al. patent nor the Rauhala patent discloses or suggests the present claimed invention.

Furthermore, there is no suggestion to combine the Allsop et al. patent and the Rauhala patent that such alleged combination would then result in the present claimed invention. Specifically, the Allsop et al. patent is directed to resolving the issue of providing dealer authorization information to a remote processing system in an electronic commerce transaction while the Rauhala patent is directed to resolving MCT-location related communications service problems arising when a GPS-capable MCT enters a service area that differs from the home service area of the MCT. Thus, there is no suggestion for a person of ordinary skill in the art to combine the references or to modify them, as suggested by the Examiner, that would then result in the claimed invention. Even if the references were indeed combined, as suggested, such alleged combination would not result in the present claimed invention.

Based on the above, it is therefore submitted that the independent claims are patentable based on the Allsop et al. patent and the Rauhala patent, either alone or in alleged combination, not disclosing or suggesting the electronic commercial transaction system, server or user terminal, as claimed.

Based upon the patentability of the above independent claims, it is further submitted that the corresponding dependent claims are also patentable since they differ in scope from the parent independent claims. Dependent claims 2, 4-5 and 7-8 depend from independent claims 1, 3 and 6, respectively, and dependent claims 12, 14-15 and 17-18 depend from independent claims 11, 13 and 16, respectively. The dependent claims are further limited to additional features of the invention. Therefore, it is respectfully submitted that the dependent claims are patentable over the cited references for at least the reasons set forth above with respect to their respective independent claims. Reconsideration is respectfully requested.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicants' undersigned counsel at the telephone number, indicated below, to arrange for an interview to expedite the disposition of this application.

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Respectfully submitted,



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